

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

Case No. 4:11-cr-00237-RAS-DDB

Plaintiff,

ORDER

v.

DANISH SALEEM

Defendants.

The United States Constitution entitle both the government and the defense to a fair trial. The court recognizes the allegations of the government regarding the contraband nature of the seized media in this case. It equally recognizes the defendant's presumption of innocence and the requirement that the government prove at trial the contraband nature of the items on the seized media. While not presuming the seized material is contraband, yet balancing the government's interest in preserving and protecting the evidence in this case, the court finds that it is in the interest of justice and provides for a fair trial for both parties to order as follows:

The government shall provide to Defense Counsel and/or a designated defense computer forensics expert a complete forensic copy of all seized media in this case (including all computer hard drives, disks, etc).

Defense counsel and/or the defense's designated computer forensic expert shall handle the forensic copy of the computer evidence as follows:

No copies of any alleged contraband images or videos shall be made, without a written order from this court; and

The hard drive upon which the forensic copy of the evidence is placed shall not be connected to any computer which is, in turn, connected to the Internet nor any printer; and

The defense counsel and/or defense's computer forensic expert shall, at the conclusion of this matter, provided written assurance to the court that it has returned the forensic copy to the government, retaining no copies of the material thereon; and

The defense counsel and/or defense expert(s) is/are authorized as follows:
To use any of the alleged contraband items as part of defense exhibits in this case.

The defense agrees that any such defense exhibits, once admitted or proffered for admission, shall be made a part of the record of this case UNDER SEAL requiring an order from this court for EITHER PARTY to obtain copies for ANY USE outside their use at trial or on the appeal, if any, of this matter.

Both parties shall provide written assurance to the court, within ten days of the conclusion of this matter at trial, or otherwise, that all copies of said defense exhibits in either party's possession have been destroyed.

SO ORDERED.